

REMARKS/ARGUMENTS

Claims 1-3, and 16-19 are currently pending in this application. Claims 1, 2, and 19 have been amended. Claim 19 has been amended to overcome the Examiner's objections. No new matter has been introduced through these amendments.

Rejections under 35 U.S.C. § 112:

Claim 19 has been amended to overcome the rejection under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102:

Claims 1-3 and 16-18 were rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,081,659 to Garaza et al. as evidenced by US Patent No. 5,521,052 to Rahman et al. In light of the amendment to claim 1, the Applicants respectfully request reconsideration of this rejection.

Claim 1 has been amended to specify that the second layer is a non-patterned layer. Garaza requires that the second layer be a patterned layer as the simulation of the masking process requires this. The Applicants would also like to point out that claim 1 specifies that the multiple materials simultaneously generate by-products since the multiple materials are disposed in a single non-patterned layer. In contrast, Garaza requires a patterned layer, therefore, as the etch proceeds through various layers the by-products are sequentially generated. In light of this amendment, it cannot be reasonably asserted that Garaza anticipates claim 1. Claims 3 and 16-18 are also patentable over Garaza for at least these reasons.

Additionally, claim 2 has been amended to include a ratio of an amount of the metal to an amount of the photoresist be at least 1:1. As acknowledged by the Examiner, Garaza is

silent as to a metal component and a photoresist. The Examiner relies on Rahman for the metal components in the photoresist. As disclosed in Rahman, these metal components are miniscule, i.e., measured in parts per billion (see column 3, lines 8-19). Accordingly, the amounts of metal provided in amended claim 2 is nowhere near the teaching of Rahman. For at least these reasons and the reasons discussed above with reference to claim 1, claim 2 is patentable over Garza and Rahman.

Rejections under 35 U.S.C. § 103:

Claim 19 was rejected under 35 USC § 103 as being unpatentable over Garza et al. as evidenced by Rahman et al. The Applicants respectfully request reconsideration of the amendments and the arguments presented below.

Claim 19 depends from claim 1, therefore, includes the amended feature that the second layer is non-patterned. The Examiner asserts that the photoresist with an extreme low level of metal ions, as taught by Rahman, would render claim 19 obvious. The Applicants respectfully disagree with this assertion. The ratio of multiple materials in claim 19 is representative of an etch operation where the metal ions generated are much higher than the extreme low level taught by Rahman. As the product of claim 19 is etched, the multiple materials are simultaneously generated, therefore, the metal ions are at a much higher ratio to accommodate the various layers of an actual etch. Thus, Rahman actually teaches away from the composition of the second layer of the present invention. Accordingly, the applicants respectfully request that the rejection of claim 19 be withdrawn.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. A notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 774-6921. If any fees are due in connection with the

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filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. LAM2P267A). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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